21/11/07

(30)

**HIGH COURT OF CHHATTISGARH, BILASPUR**

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**Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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**Second Appeal No. 32 of 2007**

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|---|---|---|---|
| **Appellants (Plaintiffs)** | : | 1. | Janohar Goand, S/o Shahorik, Age-about 38 years, |
| | : | 2. | Shukalu, S/o Govind kewet, Age-about 52 years, |
| | : | 3. | Dukalu, S/o Govind kewat, Age-about 48 years, |
| | : | 4. | Rangi S/o Ganpat kewat, Age-about 49 years, |
| | | | All appellant no.1 to 4 R/o Village, Poundhi Tahsil – Bilha Goadh Dist. Bilaspur (C.G.) |
| | | | **Versus** |
| **Respondents (Defendant)** | : | 1. | Ietwari S/o Rame, Aged S/o 53 years, Village Poundhi Tahsil – Bhila Goad |
| | : | 2. | State of Chhattisgarh, Through Collector, Bilaspur (C.G.) |

**Second Appeal under Section 100 Read with Order 41 Rule 1 & 2 of the Code of Civil Procedure**

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Present:-

Shri Vijay Deshmukh counsel for the appellants

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**ORAL ORDER**

(Passed on 19.11.2007)

Heard on admission.

2. The appellants are aggrieved by the judgment and decree dated 14.09.2006 passed by 4th Additional District Judge, Bilaspur in Civil Appeal No. 20-A of 2005 whereby the judgment and decree dated 14.06.2004 passed in Civil Suit No.87-A of 2001 by 9th Civil Judge, Class-II, Bilaspur for

permanent injunction on the basis of possession was dismissed by the trial Court, was affirmed.

3. Both the courts below have on proper appreciation of evidence, oral as well as documentary, recorded a finding that the plaintiffs were not in possession of the suit land and were disentitled to the relief sought for. The finding recorded by both the Courts below is purely a finding of fact. In this view of the matter, no substantial question of law arises for determination of this appeal. Accordingly, the appeal being devoid of merit is dismissed at the stage of admission.

4. In view of the above, M.(C).P.No.124/2007 for status quo stands dismissed.

**Sd/-**
**Dilip Raosaheb Deshmukh**
**Judge**